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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ANIBAL RODRIGUEZ, SAL CATALDO,
JULIAN SANTIAGO, and SUSAN LYNN
HARVEY individually and on behalf of all
other similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No.: 3:20-cv-04688-RS

**DECLARATION OF MARK C. MAO IN
SUPPORT OF PLAINTIFFS' RESPONSE
TO GOOGLE LLC'S MOTION FOR
CLARIFICATION OF CLASS
DEFINITION**

The Honorable Richard Seeborg
Courtroom 3 – 17th Floor

DECLARATION OF MARK C. MAO

I, Mark C. Mao, declare as follows.

1. I am a partner with the law firm of Boies Schiller Flexner LLP, counsel for Plaintiffs in this matter. I am an attorney at law duly licensed to practice before all courts of the State of California. I have personal knowledge of the matters set forth herein and am competent to testify.

2. I submit this Declaration in connection with Plaintiffs' Response to Google LLC's Motion For Clarification of Class Definition.

3. Attached hereto as **Exhibit 1** is an excerpt from a true and correct copy of Google's Fourth Supplemental Responses and Objections to Plaintiffs' First Set of Interrogatories.

4. Attached hereto as **Exhibit 2** is an excerpt from a true and correct copy of Google's Second Supplemental Responses and Objections to Plaintiffs' Sixth Set of Interrogatories.

5. Attached hereto as **Exhibit 3** is an excerpt from a true and correct copy of Plaintiffs' Seventh Set of Interrogatories.

6. Attached hereto as **Exhibit 4** is an excerpt from a true and correct copy of the transcript of the deposition of Christopher Ruemmler, taken September 9, 2022.

7. Attached hereto as **Exhibit 5** is an excerpt from a true and correct copy of the transcript of the deposition of Greg Fair, taken October 3, 2022.

8. Attached hereto as **Exhibit 6** is a true and correct copy of Exhibit 88 to the October 3, 2022 deposition of Greg Fair. Google produced this document in discovery, bearing the Bates number GOOG-RDGZ-00157500.

9. Attached hereto as **Exhibit 7** is an excerpt from a true and correct copy of Plaintiffs' Eighth Set of Requests for Production.

10. Attached hereto as **Exhibit 8** is a true and correct copy of a document Google produced in discovery, bearing the Bates number GOOG-RDGZ-00187010. Google produced this document in a native Excel format. In order to file this document on the docket, Plaintiffs converted

1 the file to a PDF format. In order to fit the material on one page, Plaintiffs also made minor edits
2 to the layout of the text. No edits were made to the text or information included in this document.

3 11. Attached hereto as **Exhibit 9** is an excerpt from a true and correct copy of an excerpt
4 of the Rebuttal Expert Report of John R. Black, Ph.D., dated May 31, 2023.

5 12. On March 6, 2024, Google's counsel proposed to Plaintiffs' counsel that this issue
6 about enterprise and supervised accounts could be resolved by stipulation.

7 13. Plaintiffs' counsel declined Google's proposal to resolve via stipulation, as they
8 believe they have obligations to all class members, regardless of account type.

9
10 I declare under penalty of perjury under the laws of the United States of America that the
11 foregoing is true and correct. Executed this 22nd day of March 2024, at San Francisco, California.

12 /s/ Mark Mao
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